

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY :
as Administrator for RELIANCE :
INSURANCE COMPANY, :

Plaintiff, :

vs. :

DORMITORY AUTHORITY – STATE OF NEW YORK, :
TDX CONSTRUCTION CORP. and KOHN PEDERSEN :
FOX ASSOCIATES, P.C., :

Defendants. :

DORMITORY AUTHORITY OF THE STATE OF :
NEW YORK AND TDX CONSTRUCTION CORP., :

Third-Party Plaintiffs, :

vs. :

TRATAROS CONSTRUCTION, INC., :

Third-Party Defendant. :

TRATAROS CONSTRUCTION, INC. and TRAVELERS :
CASUALTY AND SURETY COMPANY, :

Fourth-Party Plaintiffs, :

vs. :

CAROLINA CASUALTY INSURANCE COMPANY; :
BARTEC INDUSTRIES, INC.; DAYTON SUPERIOR :
SPECIALTYCHEMICAL CORP. a/k/a DAYTON :
SUPERIOR CORPORATION; SPECIALTY :
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER :
CASUALTY INSURANCE COMPANY d/b/a KEMPER :
INSURANCE COMPANY; GREAT AMERICAN :
INSURANCE COMPANY; NATIONAL UNION :
FIRE INSURANCE COMPANY OF PITTSBURGH, PA; :
UNITED STATES FIRE INSURANCE COMPANY; :

Case No. 07-CV-6915 (DLC)
ECF CASE

**ANSWER TO
OHIO CASUALTY'S
CROSS-CLAIM**

ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.:	:
f/k/a COMMERCIAL UNDERWRITERS INSURANCE	:
COMPANY; ZURICH AMERICAN INSURANCE	:
COMPANY d/b/a ZURICH INSURANCE COMPANY;	:
OHIO CASUALTY INSURANCE COMPANY d/b/a	:
OHIO CASUALTY GROUP; HARLEYSVILLE	:
MUTUAL INSURANCE COMPANY	:
(a/k/a HARLEYSVILLE INSURANCE COMPANY);	:
JOHN DOES 1-20 AND XYZ CORPS. 1-20,	:
Fourth-Party Defendants.	:

Zurich American Insurance Company (“Zurich”), sued incorrectly herein as Zurich American Insurance Company d/b/a Zurich Insurance Company, by its attorneys Melito & Adolfsen P.C., answers the Cross-Claim of Fourth Party Defendant Ohio Casualty Insurance Company, d/b/a Ohio Casualty Group (“Ohio”), upon information and belief as follows:

1. Zurich denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs “2” through “22” and paragraphs “24” through “30” of the First Count of Ohio’s Cross-Claim.

2. Zurich denies the truth of the allegations contained in paragraph “23” of the First Count of Ohio’s Cross-Claim to the extent that those allegations are directed against Zurich, denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations and refers all questions of law to the Court.

3. Zurich denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs “2” through “13” of the Second Count of Ohio’s Cross-Claim.

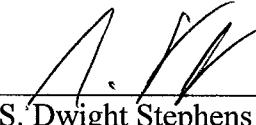
4. Zurich denies the Cross-Claim asserted by Ohio in its entirety and, to the extent applicable, incorporates its affirmative defenses as set forth in its Answer to the Fourth Party Complaint.

WHEREFORE, Zurich demands judgment:

- (1) Dismissing with prejudice Ohio's Cross-Claim against Zurich in its entirety; or
- (2) Awarding Zurich its costs and attorneys' fees incurred in the defense of this Cross-Claim; and
- (3) Granting Zurich such other and further relief as this Court may deem just and proper.

Dated: New York, New York
February 21, 2008

MELITO & ADOLFSEN P.C.

By: 

S. Dwight Stephens (SS-2161)
Ignatius John Melito (IM-2654)
233 Broadway—28th Floor
New York, New York 102790118
(212) 238-8900
*Attorneys for Fourth-Party Defendant
Zurich American Insurance Company*

To:

Joanne M. Bonacci Esq.
David Craig Dreifuss, Esq.
Eli John Rogers, Esq.
DREIFUSS BONACCI & PARKER, LLP
26 Columbia Turnpike, North Entrance
Florham Park, New Jersey 07932

David Abramovitz, Esq.
ZETLIN & DeCHIARA LLP (NYC)
801 Second Avenue
New York, New York 10017

Timothy B. Froessel, Esq.
Elvin Ramos, Esq.
Rudy Green, Esq.
HOLLAND & KNIGHT LLP
195 Broadway
New York, New York 10007

Jeremy D. Platek, Esq.
O'CONNOR REDD GOLLIHUE
SKLARIN LLP
200 Mamaroneck Avenue
White Plains, New York 10601

Robert Mark Wasko, Esq.
TORRE LENTZ GAMELL GARY &
RITTMMASTER LLP
226 West 26th Street, 8th Floor
New York, New York 10001-6785

Matthew James McDermott, Esq.
Suzin L. Raso, Esq.
GOLDBERG SEGALLA LLP
170 Hamilton Avenue
White Plains, New York 10601

Erika C. Aljens, Esq.
LAW OFFICES OF GREEN & LAVELLE
110 William Street, 18th Floor
New York, New York 10038

Diana Elaine Goldberg, Esq.
MOUND COTTON WOLLAN &
GREENGRASS
One Battery Park Plaza, 9th Floor
New York, New York 10004

Lance Jon Kalik, Esq.
Tracy Kohl Wishert
RIKER, DANZIG, SCHERER, HYLAND
& PERRETTI, LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, New Jersey 07962-1981

Michael S. Miller, Esq.
Tompkins, McGuire, Wachenfeld & Barry
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102

Donald George Sweetman, Esq.
GENNET KALLMANN ANTIN &
ROBINSON P.C.
6 Campus Drive
Parsippany, New Jersey 07054

John Paul DeFilippis, Esq.
Carroll, McNulty & Kull, LLC
570 Lexington Avenue, 10th Floor
New York, New York 10022

Vincent Zichello, Esq.
Zichello & McIntyre, LLP
420 Lexington Avenue, Rm. 2800
New York, New York 10170

David A. Larson, Esq.
BOLLINGER, RUBERY & GARVEY
500 West Madison Street
Suite 2300
Chicago, Illinois 60661

Christian H. Gannon, Esq.
Robert R. Brooks-Rigolosi, Esq.
Segal McCambridge Singer & Mahoney
830 Third Avenue, Suite 400
New York, New York 10022

Henry G. Morgan, Esq.
Joseph DeDonato, Esq.
MORGAN MELHUISH MONAGHAN
ARVIDSON ABRUTYN & LISOWSKI
651 Mount Pleasant Avenue, Suite 200
Livingston, New Jersey 07039